

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES ex rel. JOHN A. WOOD, et al.,

Plaintiffs,

-against-

19 **CIVIL** 4029 (JMF)

**JUDGMENT**

ALLERGAN, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 10, 2020, in this Court's prior decision, the Court observed that dismissal pursuant to the first-to-file rule may well be "dispositive" because, "[d]uring the six years in which the Government investigated Wood's claims and the case remained under seal, the statute of limitations" continued to run. *Wood I*, 246 F. Supp. 3d at 793. In fact, that was one of the reasons that, in this Court's view, Wood should be allowed to "cure" his violation of the first-to-file rule by amendment. *See id.* at 798. But the Second Circuit disagreed and this Court is bound by that ruling. It is also bound by the plain terms of the FCA and the well-established precedent governing whether and when a plaintiff is entitled to equitable tolling. That law compels the Court to conclude that Wood's latest effort to bring FCA claims against Allergan is indeed time barred. Allergan's motion to dismiss is GRANTED, and Wood's Complaint is dismissed; accordingly, this case is closed.

**Dated:** New York, New York

June 10, 2020

**RUBY J. KRAJICK**

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Clerk of Court

BY:

*K. Manago*  
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Deputy Clerk